

ASSEMBLY BILL

No. 943

Introduced by Assembly Member Keene

February 18, 2005

An act to amend Section 17000.6 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 943, as introduced, Keene. Aid to indigents.

Existing law requires each county to provide aid to its indigent population not supported by other means, and those county programs are commonly referred to as general assistance programs.

Existing law authorizes the board of supervisors of each county to adopt a general assistance standard of aid, and establishes the level of that standard.

Existing law authorizes the board of supervisors of any county to adopt a general assistance standard of aid that is below the statutory level if the Commission on State Mandates makes a finding that meeting the statutory standards would result in a significant financial distress to the county.

This bill would, instead, authorize a board of supervisors of a county to adopt a lower standard of aid if the board of supervisors adopts a resolution making that finding, and would revise the procedures and standards applicable to making a finding of significant financial distress.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 17000.6 of the Welfare and Institutions Code is amended to read:

17000.6. (a) The board of supervisors of any county may adopt a standard of aid below the level established in Section 17000.5 ~~if the Commission on State Mandates makes it adopts a resolution making~~ a finding that meeting the standards in Section 17000.5 would result in a significant financial distress to the county. ~~When~~

(b) *In order to make a finding of significant financial distress, the county board of supervisors shall do all of the following:*

(1) *Review, at a minimum, evidence of unmet needs, budget forecasts, efforts to constrain expenditures, flexibility in spending, and resources and debt and cashflow.*

(2) *Make a compelling case, by clear and convincing evidence, that absent this finding, basic county services, including public safety, cannot be maintained.*

(3) *Make a reasonable effort to identify and implement viable and practical alternatives to support basic service deficiencies.*

(4) *Determine that the proposed amount of the general assistance reduction is less than the sum of financial needs of the county to maintain basic services.*

(c) *For purposes of making a determination of significant financial distress, the following definitions shall apply:*

(1) *“Compelling case” means a case that offers clear and convincing evidence.*

(2) *“Clear and convincing evidence” means evidence of such convincing force that it demonstrates, in contrast to the opposing evidence, a high probability of the truth of the fact or facts for which it is offered as proof. That evidence shall require a higher standard of proof than proof by a preponderance of the evidence.*

(3) *“Basic county services” means those services that are fundamental or essential, and shall include, but are not limited to, those services required by state or federal law, and may vary from county to county.*

(4) *“Maintained” means the provision of a level of service that the county must provide in order to adequately or effectively furnish basic county services, including the restoration or expansion of services, and not merely the perpetuation of a*

1 *current level of service, when the county board of supervisors*
2 *determines that the restoration or expansion is needed to provide*
3 *basic county services.*

4 ~~(d) When the commission County Board of Supervisors makes~~
5 ~~a finding of significant financial distress concerning a county, the~~
6 ~~board of supervisors may establish a level of aid which is not less~~
7 ~~than 40 percent of the 1991 federal official poverty level, which~~
8 ~~may be further reduced pursuant to Section 17001.5 for shared~~
9 ~~housing. The commission shall not make a finding of significant~~
10 ~~financial distress unless the county has made a compelling case~~
11 ~~that, absent the finding, basic county services, including public~~
12 ~~safety, cannot be maintained.~~

13 ~~(b) Upon receipt of a written application from a county board~~
14 ~~of supervisors, the commission may make a finding of financial~~
15 ~~distress for a period of up to 36 months pursuant to regulations~~
16 ~~that are necessary to implement this section, which shall be~~
17 ~~adopted by the commission. The period of reduction may be~~
18 ~~renewed by the commission upon reapplication by the county.~~
19 ~~Any county that filed an application or reapplication that was~~
20 ~~approved for a period of up to 12 months by the commission on~~
21 ~~or before December 31, 1996, shall be deemed to have had that~~
22 ~~application or reapplication approved for a period of 36 months.~~
23 ~~If the period of financial distress is delayed by court action, the~~
24 ~~period shall be tolled during that delay.~~

25 ~~(e) As part of the decisionmaking process, the commission~~
26 ~~shall notice and hold a public hearing on the county's application~~
27 ~~or reapplication in the county of application. The commission~~
28 ~~shall provide a 30-day notice of the hearing in the county of~~
29 ~~application or reapplication. The commission shall notify the~~
30 ~~applicant county of its preliminary decision within 60 days after~~
31 ~~receiving the application and final decision within 90 days after~~
32 ~~receiving the application. If a county files an application while~~
33 ~~another county's application is pending, the commission may~~
34 ~~extend both the preliminary decision period up to 120 days and~~
35 ~~the final decision period up to 150 days from the date of the~~
36 ~~application and any current period of significant financial distress~~
37 ~~of the applicant county that has been set pursuant to subdivision~~
38 ~~(b) shall be extended for the same period.~~

39 ~~(d)–~~

1 (e) Upon adopting the resolution, the county board of
2 supervisors may make a finding of significant financial distress
3 for a period of up to 12 months. If the period of significant
4 financial distress is delayed by court action, the period shall be
5 tolled during the delay.

6 (f) This section shall not be construed to eliminate the
7 requirement that a county provide aid pursuant to Section 17000.

8 ~~(e)–~~

9 (g) Any standard of aid adopted pursuant to this section shall
10 constitute a sufficient standard of aid.

11 ~~(f)–~~

12 (h) A county board of supervisors may continue the standard
13 of aid adopted under this section beyond the period in
14 subdivision ~~(b)~~, irrespective of whether the county has applied
15 for or received a renewal of the authority to reduce aid as
16 permitted by subdivision ~~(b)~~; (e) provided the county acts in
17 accordance with all of the following:

18 (1) The county may not prohibit an employable individual
19 from receiving aid under this part for less than six months in a
20 12-month period, whether or not the months are consecutive. If
21 an employable individual has taken and continues to take all
22 steps to apply for appropriate positions and has not refused an
23 offer of employment without good cause, a county shall extend
24 aid until the individual has received aid for nine months in a
25 12-month period. The time limit provided in this paragraph shall
26 begin for each employable individual at the time the employable
27 individual is enrolled in the mandatory welfare-to-work program
28 set forth in paragraph (2).

29 (2) The county shall, within six months of the county's
30 implementation of this subdivision, require employable
31 individuals to participate while on aid under this part in services
32 equivalent to the welfare-to-work program provided for pursuant
33 to Article 3.2 (commencing with Section 11320) of Chapter 2 of
34 Part 3. Employable individuals shall participate in this program
35 as a condition of eligibility for aid under this part.

36 (3) This subdivision shall not be construed to give preference
37 to recipients of benefits under this part for welfare-to-work
38 services under Article 3.2 (commencing with Section 11320) of
39 Chapter 2 of Part 3.

- 1 ~~(g) The commission may adopt emergency regulations for the~~
- 2 ~~implementation of this section.~~

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